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HANLEY-WOOD, LLC dba  
HOUSEPLANS.COM

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

ALEXANDER BAYONNE STROSS,  
Plaintiff,  
vs.  
HANLEY-WOOD, LLC DBA  
HOUSEPLANS.COM,  
Defendant.

CASE NO. 4:20-cv-03152-JST

**DEFENDANT'S ANSWER TO  
PLAINTIFF'S COMPLAINT**

Complaint Filed: May 8, 2020  
Judge Jon S. Tigar

1       Defendant HANLEY-WOOD, LLC dba HOUSEPLANS.COM (“Defendant”), in response to  
2 the Complaint for Copyright Plaintiff ALEXANDER BAYONNE STROSS (“Plaintiff”), hereby  
3 admits, denies, and alleges as follows. The paragraph numbers below correspond to the paragraphs  
4 in the Complaint.

5           1. Defendant denies for lack of sufficient knowledge or information each  
6 allegation in Paragraph 1.

7           2. Defendant denies for lack of sufficient knowledge or information each allegation in  
8 Paragraph 2.

9           3. Defendant denies for lack of sufficient knowledge or information each allegation in  
10 Paragraph 3.

11           4. Defendant admits the allegations of Paragraph 4.

12           5. Defendant denies the allegations of Paragraph 5.

13           6. Paragraph 6 consists of legal conclusions to which no response is required.

14           7. Paragraph 7 consists of legal conclusions to which no response is required.

15           8. Defendant denies the allegations of Paragraph 8.

16           9. Defendant denies the allegations of Paragraph 9.

17           10. Defendant admits the allegations of Paragraph 10.

18           11. Defendant denies for lack of sufficient knowledge each allegation in Paragraph 11.

19           12. Defendant denies for lack of sufficient knowledge each allegation in Paragraph 12.

20           13. Defendant denies for lack of sufficient knowledge each allegation in Paragraph 13.

21           14. Defendant denies for lack of sufficient knowledge each allegation in Paragraph 14.

22           15. Defendant denies for lack of sufficient knowledge each allegation in Paragraph 15.

23           16. Defendant denies for lack of sufficient knowledge each allegation in Paragraph 16.

24           17. Defendant denies for lack of sufficient knowledge each allegation in Paragraph 17.

25           18. Defendant denies each allegation in Paragraph 18.

26           19. Defendant denies for lack of sufficient knowledge each allegation in Paragraph 19.

27           20. Defendant denies each allegation in Paragraph 20.

1 21. Defendant denies for lack of sufficient knowledge each allegation in Paragraph 21.

2 22. Answering Paragraph 22, Defendant repeats and incorporates its answers to Paragraphs 1  
3 through 21 above.

4 23. Defendant is without sufficient knowledge or information to admit or deny  
5 the allegations contained within Paragraph 23, and therefore denies same.

6 24. Defendant is without sufficient knowledge or information to admit or deny the  
7 allegations contained within Paragraph 24, and therefore denies same.

8 25. Defendant denies each allegation in Paragraph 25.

9 26. Defendant denies each allegation in Paragraph 26.

10 27. Defendant denies each allegation in Paragraph 27.

11 28. Defendant denies each allegation in Paragraph 28.

12 29. Defendant denies each allegation in Paragraph 29.

13 **PRAYER FOR RELIEF**

14 Defendant denies that Plaintiff is entitled to any of the relief sought in the Prayer for Relief.

15 **AFFIRMATIVE DEFENSES**

16 **FIRST AFFIRMATIVE DEFENSE**

17 **(Failure to state a claim)**

18 The Complaint fails to state a claim against Defendant upon which relief can be granted.

19 **SECOND AFFIRMATIVE DEFENSE**

20 **(Fair use)**

21 Plaintiff's claims are barred in whole or in part by the doctrine of fair use.

22 **THIRD AFFIRMATIVE DEFENSE**

23 **(Failed to register copyright)**

24 Plaintiff's claims are barred in whole or in part because Plaintiff has failed to register  
25 copyright in some or all of the Photographs.

#### **FOURTH AFFIRMATIVE DEFENSE**

**(Registration invalid)**

Plaintiff's claims are barred in whole or in part because Plaintiff's copyright registrations for some or all of the Photographs are invalid.

## **FIFTH AFFIRMATIVE DEFENSE**

**(No willful intent)**

Plaintiff's claims are barred in whole or in part because Defendant has not willfully infringed any copyright owned by Plaintiff.

## **SIXTH AFFIRMATIVE DEFENSE**

### **(Lack of standing and/or capacity)**

Plaintiff's claims are barred in whole or in part because Plaintiff lacks standing and/or capacity to bring this action.

## **SEVENTH AFFIRMATIVE DEFENSE**

## (Laches)

Plaintiff's claims are barred in whole or in part by the doctrine of laches.

## **EIGHTH AFFIRMATIVE DEFENSE**

### **(Statute of limitations)**

Plaintiff's claims are barred in whole or in part by the statute of limitations.

## **NINTH AFFIRMATIVE DEFENSE**

### **(Waiver)**

Plaintiff's claims are barred in whole or in part by the doctrine of waiver.

## **TENTH AFFIRMATIVE DEFENSE**

### (Estoppel)

Plaintiff's claims are barred in whole or in part by the doctrine of estoppel.

## **ELEVENTH AFFIRMATIVE DEFENSE**

### **(Consent)**

Plaintiff's claims are barred in whole or in part by Plaintiff's consent.

## **TWELFTH AFFIRMATIVE DEFENSE**

### **(First Amendment)**

Any grant of relief requested by Plaintiff would infringe the rights of Defendant under the First Amendment of the Constitution of the United States of America and analogous provisions of state constitutional law.

## **THIRTEENTH AFFIRMATIVE DEFENSE**

### **(Lack of injury)**

Plaintiff has not suffered any injury to its business or property by reason of any conduct by Defendant.

## **FOURTEENTH AFFIRMATIVE DEFENSE**

### **(Reservation of additional defenses)**

Defendant reserves the right to assert other affirmative defenses as they become known during the course of discovery, and hereby specifically reserves the right to amend its Answer to allege said affirmative defenses at such time as they become known.

**JURY DEMAND**

Defendant demands a jury trial on all claims and issues so triable.

WHEREFORE, judgment should be entered in favor of Defendant and against Plaintiff, dismissing Plaintiff's Complaint against Defendant in its entirety, awarding Defendant its attorney's fees and costs, and granting any other or further relief that the Court deems proper.

Date: July 7, 2020

## LAW OFFICES OF LINCOLN BANDLOW, PC

By:

Lincoln Bandlow

Attorney for Defendant  
HANLEY-WOOD, LLC dba HOUSEPLANS.COM